

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

CURTIS NEVA,

Plaintiff,

v.

WELLS FARGO BANK,

Defendant.

Case No. 2:15-cv-00478-RFB-GWF

**ORDER**

Before the Court is a Report and Recommendation issued by the Honorable George Foley, Jr., United States Magistrate Judge, regarding Plaintiff's Complaint. ECF No. 6.

On August 18, 2015, Judge Foley issued an Order denying without prejudice Plaintiff Curtis Neva's Application for Leave to Proceed *In Forma Pauperis*. ECF No. 4. The Court found that Neva did not financially qualify to proceed *in forma pauperis*, and therefore ordered him to pay the filing fee within 30 days. Id. The Court also advised Neva that failure to pay the filing fee could result in dismissal of the action. Id.

The Order was mailed to Neva at the address he listed on his application, which was 1500 Fremont Street. Apt. 202, Las Vegas, NV 89101. On August 31, 2015, the Clerk of the Court received a notification that the Order addressed to Neva had been returned as undeliverable. ECF No. 5. On October 7, 2015, Judge Foley issued a Report and Recommendation, recommending that Neva's Complaint be dismissed without prejudice for failure to pay the filing fee within 30 days. ECF No. 6. On October 20, 2015, the Clerk of the Court again received notification that its mailing addressed to Neva was returned as undeliverable. ECF No. 7.

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate." 28 U.S.C. § 636(b)(1). A party may file specific

1 written objections to the findings and recommendations of a magistrate judge. 28 U.S.C.  
 2 § 636(b)(1); Local Rule IB 3-2(a). When written objections have been filed, the district court is  
 3 required to “make a de novo determination of those portions of the report or specified proposed  
 4 findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1); see also Local  
 5 Rule IB 3-2(b). Where a party fails to object, however, a district court is not required to conduct  
 6 “any review,” *de novo* or otherwise, of the report and recommendations of a magistrate judge.  
 7 Thomas v. Arn, 474 U.S. 140, 149 (1985).

8 Under Local Rule IB 3-2(a), objections to the Report and Recommendation were due by  
 9 October 26, 2015. No objections have been filed. The Court has reviewed the record in this case  
 10 and agrees with Judge Foley’s recommendation that this case be dismissed without prejudice for  
 11 Neva’s failure to pay the filing fee within 30 days of the Court’s Order of August 18, 2015.

12 In addition, Rule 2-2 of the Local Rules of Special Proceedings and Appeals provides:

13 The plaintiff shall immediately file with the court written notification of any change  
 14 of address. The notification must include proof of service upon each opposing party  
 15 or the party’s attorney. Failure to comply with this rule may result in dismissal of  
 the action with prejudice.

16 Based upon the return of two mailings as undeliverable on August 31, 2015 and October  
 17 20, 2015, Neva has failed to timely notify the Court of his change of address as required by LSR  
 18 2-2. This provides an additional reason to dismiss his Complaint without prejudice.

19 **IT IS THEREFORE ORDERED** that the Report and Recommendation (ECF No. 6) is  
 20 ACCEPTED and ADOPTED in full.

21 **IT IS HEREBY ORDERED** that Plaintiff Curtis Neva’s Complaint is DISMISSED  
 22 without prejudice. The Clerk of Court is instructed to close this case.

23  
 24 DATED: November 3, 2015.

25   
 26 **RICHARD F. BOULWARE, II**  
 27 **United States District Judge**  
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